

EXHIBIT 2

From: [Rich Ramirez](#)
To: [Jordan Reisch](#); [Andrew K. Glenn](#)
Cc: [Bijan Amini](#)
Subject: RE: In re: Ninety-Five Madison Company / Production re: Debtor RFPs
Date: Monday, July 29, 2024 6:29:00 PM
Attachments: [image001.jpg](#)

Jordan,

Thanks. We're digesting your answers and confirming whether a M&C works tomorrow as members of our team are traveling.

On the 9014 point, case law is clear that 9014's discovery requirements are not triggered until two parties actually oppose each other. As you presumably know, the Post-Effective Date Debtor has not yet filed an objection to Branton's fee application; the proposed schedule you sent over on Friday confirms as much. We're happy to review any legal authority which states a party is entitled to carte blanche discovery from a party-in-interest who has not yet presented an actual dispute.

Thanks,

--

Rich Ramirez

W: 212.970.1624

rramirez@glennagre.com



1185 Avenue of the Americas
New York, NY 10036

From: Jordan Reisch <jreisch@aminillc.com>
Sent: Monday, July 29, 2024 5:44 PM
To: Rich Ramirez <rramirez@glennagre.com>; Andrew K. Glenn <aglenn@glennagre.com>
Cc: Bijan Amini <bamini@aminillc.com>
Subject: RE: In re: Ninety-Five Madison Company / Production re: Debtor RFPs

[EXTERNAL EMAIL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rich,

Branton has complied with its discovery obligations. Branton provided the Debtor with its Responses and Objections to the Debtor's RFP ("R&Os") as well as an initial production of documents on the previously negotiated deadline and the remainder of its production the following business day. As explained in our R&Os, "whether Branton is entitled to fees in connection with the Branton Fee Application turns on the actions of the Debtor, Two Bins Capital LLC ("Two Bins"), Madison 29 Holding LLC ("Madison 29"), Sunlight Development LLC ("Sunlight"), and each of their respective principals." Specifically, the Branton Fee Application alleges that the Debtor and Two Bins had conversations about selling the Property to Madison 29 and/or Sunlight during the Exclusivity Period under the Listing Agreement and failed to refer the inquiry to Branton as required under the Listing Agreement. But several of Debtor's RFPs are untethered to that issue and instead seek discovery that is: (i) not relevant to any party's claim or defense in connection with the Branton Fee Application; (ii) overly broad and unduly burdensome and seeks information that is not reasonably calculated to lead to the discovery of relevant, admissible evidence; and (iii) not proportional to the needs of the case. By way of example, it is entirely unclear how Debtor's RFP #5 for "[a]ll Documents and Communications related to and/or evidencing" the more than 140 tours that Branton conducted of the property are relevant to the issues presented by the Branton Fee Application. If you would like to discuss why Debtor is entitled to production of materials under certain specific Debtor RFPs, we are open to having that conversation.

Thanks for bringing the technical issue regarding the format of certain pages of Branton's document production to our attention. We understand that this issue arose because certain email chains are not cleanly converting to PDF. Note that the same issue is present in the Debtor's production at pages NFMC_000181-188. To remedy that issue, we are going to produce the natives of affected emails so you have them in their original form by **tomorrow**. Note also that, since the Sklars are copied on nearly all of the documents you take issue with, you likely already have them in their original form.

Separately, we are having some technical issues with Debtor's production given that no custodian information was provided and several of the documents are missing basic metadata or other information that would indicate the participants of the communication and/or the date and time of the communication. This is particularly true for screenshots of text messages that the Debtor produced. A few examples are NFMC_000001-2, NFMC_000004-5, NFMC_000012-13, NFMC_000018-19, NFMC_000033-49. For any such communications, we ask that you reproduce the communications in a manner that indicates the participants of the communication and/or the date and time of the communication, as applicable.

Finally, Branton is somewhat confused by Debtor's both referring to this "whole contested matter" while also contending that a "contested matter does not yet exist as a matter of law." This is plainly a contested matter in light of the pending objection. Regardless, Debtor's current discovery obligations remain the same whether this dispute is resolved in the context of an adversary proceeding or a contested fee application. See F.R.B.P. 9014(c).

Are you available tomorrow to meet and confer regarding these issues?

Thanks,
Jordan

Jordan Reisch

AMINI LLC

131 WEST 35TH STREET, 12TH FLOOR
NEW YORK, NEW YORK 10001
212.490.4700 - OFFICE
212.497.8271 - DIRECT
JREISCH@AMINILLC.COM – EMAIL

www.aminillc.com

From: Rich Ramirez <r Ramirez@glennagre.com>
Sent: Sunday, July 28, 2024 7:53 PM
To: Jordan Reisch <jreisch@aminillc.com>; Andrew K. Glenn <aglenn@glennagre.com>
Cc: Bijan Amini <bamini@aminillc.com>
Subject: RE: In re: Ninety-Five Madison Company / Production re: Debtor RFPs

Jordan,

We have thoroughly reviewed Branton's second production of documents along with Branton's responses and objections, which were sent after the previously negotiated deadline by which Branton agreed to produce his discovery. During our meet and confer on July 25, you stated that Branton believes he has satisfied his discovery obligations pursuant to our RFPs. We write to raise deficiencies regarding his production.

First, by our estimate, nearly a quarter of Branton's production is unreviewable and eligible. See e.g., BR001149-1638. In light of this, we can only assume you performed no quality check of these documents—whether for legibility or for responsiveness—prior to your production to us. We find this fact both irregular and alarming. We accordingly request that you rereview and correct your production and resubmit it consistent with your obligations pursuant to Rule 34(b)(2)(E).

Second, we do not understand why Branton believes he can unilaterally limit or refuse to produce documents responsive RFP Nos. 4, 5, 6, 8, 9, 10, 11. Indeed, each of these requests **goes directly to allegations made by Branton himself in Branton's own fee application**, the very subject of this whole contested matter. Branton cannot put forward bald allegations in court filings and then claim that he cannot be held answerable for them. This is especially true given that Branton initiated this dispute in the form of a fee application and not an adversary proceeding; indeed, as we thoroughly explained to Branton by letter dated June 13, Branton's requested fees are wholly subject to the requirements of Section 328(a) of the Bankruptcy Code for which Branton will bear the burden of proof. As we have also explained, we are doing Branton a favor by timely producing our own

discovery even though a “contested matter” does not yet exist as a matter of law. *See* F.R.B.P. 9014. Accordingly, we demand that Branton produce documents responsive to RFP Nos. 4, 5, 6, 8, 9, 10, 11, which go to the heart of Branton’s requested relief and the Code’s requirements.

Given these severe deficiencies and Branton’s erroneous belief that he has produced all documents demanded of him, the Post-Effective Date Debtor maintains that it is under no obligation to agree to any hearing schedule on Branton’s fee application absent Branton’s basic compliance with his discovery obligations.

We reserve all rights and waive none, including our right (as previously mentioned to Branton) to file a motion requesting that the Court immediately convert Branton’s fee application to an adversary proceeding and for said motion to be considered at a hearing on an expedited basis before any consideration of Branton’s fee application.

We believe we can resolve Branton’s discovery deficiencies consensually. We look forward to your response.

Thanks,

--

Rich Ramirez

W: 212.970.1624

rramirez@glennagre.com



1185 Avenue of the Americas
New York, NY 10036

From: Jordan Reisch <jreisch@aminillc.com>

Sent: Monday, July 22, 2024 5:32 PM

To: Rich Ramirez <rramirez@glennagre.com>; Andrew K. Glenn <aglenn@glennagre.com>

Cc: Bijan Amini <bamini@aminillc.com>

Subject: RE: In re: Ninety-Five Madison Company / Production re: Debtor RFPs

[EXTERNAL EMAIL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Apologies, corrected bates range below.

Jordan Reisch

AMINI LLC

131 WEST 35TH STREET, 12TH FLOOR

NEW YORK, NEW YORK 10001

212.490.4700 - OFFICE

212.497.8271 - DIRECT

JREISCH@AMINILLC.COM – EMAIL

www.aminillc.com

From: Jordan Reisch

Sent: Monday, July 22, 2024 5:24 PM

To: Rich Ramirez <r Ramirez@glennagre.com>; Andrew K. Glenn <aglenn@glennagre.com>

Cc: Bijan Amini <bamini@aminillc.com>

Subject: RE: In re: Ninety-Five Madison Company / Production re: Debtor RFPs

Rich,

Branton Realty Services LLC (“Branton”) hereby submits the supplemental production referenced below.

The Bates-numbering for this production is: BR_000240 - BR_002087.

The production can be accessed at the following link: <https://aminillc.sharefile.com/d-s66f114232acd4fb1875e0ce7a8742f41>

The password is the same as our previous production. Please let me know if you have any technical issues with the production.

Branton’s production is without waiver of any objection concerning the scope of discovery, including those in any of Branton’s Responses and Objections to the Document Requests. If it were found that production of any of the enclosed materials constitutes disclosure of otherwise privileged matters, such disclosure would be inadvertent. By the production of such documents, Branton does not intend to waive and has not waived the attorney-client privilege or any other protections. If Branton learns that any information produced is subject to a claim of privilege, Branton reserves the right to notify you of the basis for the claim of privilege and to recover such information.

This production is made without waiving or intending to waive, but to the contrary preserving and intending to preserve: (i) all objections to the competence, relevance, materiality, privilege, and admissibility as evidence for any purpose, at any trial or hearing in this case, or in any related or subsequent action or proceeding, of any documents produced hereunder or the subject matter thereof; (ii) the right to object on any ground to the use of any of the documents produced herein at any trial or hearing in this case or in any related or subsequent action or proceeding; (iii) the right to object on any ground at any time to any propounded or forthcoming document requests; (iv) the right, but not the obligation, at any time to supplement the production; and (v) all clawback rights according to the applicable privileges.

We reserve all other rights and waive none.

Best,
Jordan

Jordan Reisch

AMINI LLC

131 WEST 35TH STREET, 12TH FLOOR
NEW YORK, NEW YORK 10001
212.490.4700 - OFFICE
212.497.8271 - DIRECT
JREISCH@AMINILLC.COM – EMAIL

www.aminillc.com

From: Jordan Reisch

Sent: Friday, July 19, 2024 5:47 PM

To: Rich Ramirez <rramirez@glennagre.com>; Andrew K. Glenn <aglenn@glennagre.com>

Cc: Bijan Amini <bamini@aminillc.com>

Subject: RE: In re: Ninety-Five Madison Company / Production re: Debtor RFPs

Rich,

As discussed, Branton Realty Services LLC (“Branton”) hereby submits: (1) an initial production of materials in response to Debtor Ninety-Five Madison Company, L.P.’s (“NFMC”) Requests for Production; and (2) Branton’s Responses and Objections in relation thereto. We anticipate making a supplemental production with the remainder of the materials agreed to be produced hereby no later than Monday.

The Bates-numbering for this production is: BR_000001 - NPMC_000239.

Branton's production is without waiver of any objection concerning the scope of discovery, including those in any of Branton's Responses and Objections to the Document Requests. If it were found that production of any of the enclosed materials constitutes disclosure of otherwise privileged matters, such disclosure would be inadvertent. By the production of such documents, Branton does not intend to waive and has not waived the attorney-client privilege or any other protections. If Branton learns that any information produced is subject to a claim of privilege, Branton reserves the right to notify you of the basis for the claim of privilege and to recover such information.

This production is made without waiving or intending to waive, but to the contrary preserving and intending to preserve: (i) all objections to the competence, relevance, materiality, privilege, and admissibility as evidence for any purpose, at any trial or hearing in this case, or in any related or subsequent action or proceeding, of any documents produced hereunder or the subject matter thereof; (ii) the right to object on any ground to the use of any of the documents produced herein at any trial or hearing in this case or in any related or subsequent action or proceeding; (iii) the right to object on any ground at any time to any propounded or forthcoming document requests; (iv) the right, but not the obligation, at any time to supplement the production; and (v) all clawback rights according to the applicable privileges.

We reserve all other rights and waive none.

I will transmit the password by separate email. Please do not hesitate to contact me if you have any questions or technical issues with the production.

Best,
Jordan

Jordan Reisch

AMINI LLC

131 WEST 35TH STREET, 12TH FLOOR
NEW YORK, NEW YORK 10001
212.490.4700 - OFFICE
212.497.8271 - DIRECT
JREISCH@AMINILLC.COM – EMAIL

www.aminillc.com

From: Rich Ramirez <rramirez@glennagre.com>

Sent: Thursday, July 18, 2024 12:26 PM

To: Jordan Reisch <jreisch@aminillc.com>; Andrew K. Glenn <aglenn@glennagre.com>; Bijan Amini <bamini@aminillc.com>

Subject: RE: In re: Ninety-Five Madison Company

Thanks, Jordan. Speak soon.

--

Rich Ramirez

W: 212.970.1624

rramirez@glennagre.com



1185 Avenue of the Americas
New York, NY 10036

From: Jordan Reisch <jreisch@aminillc.com>

Sent: Thursday, July 18, 2024 12:21 PM

To: Rich Ramirez <rramirez@glennagre.com>; Andrew K. Glenn <aglenn@glennagre.com>; Bijan Amini <bamini@aminillc.com>

Subject: RE: In re: Ninety-Five Madison Company

[EXTERNAL EMAIL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Rich. We are hoping to discuss some of the RFPs with you tomorrow. We are working as quickly as we can to get up to speed. While there may be some delay in producing responsive documents, we think it should be a brief one.

Jordan Reisch

AMINI LLC

131 WEST 35TH STREET, 12TH FLOOR
NEW YORK, NEW YORK 10001

212.490.4700 - OFFICE
212.497.8271 - DIRECT
JREISCH@AMINILLC.COM – EMAIL

www.aminillc.com

From: Rich Ramirez <rramirez@glennagre.com>
Sent: Thursday, July 18, 2024 10:26 AM
To: Jordan Reisch <jreisch@aminillc.com>; Andrew K. Glenn <aglenn@glennagre.com>; Bijan Amini <bamini@aminillc.com>
Subject: RE: In re: Ninety-Five Madison Company

Jordan, thanks for sending the Zoom. Under the schedule we negotiated with Branton's previous counsel, Branton agreed to produce documents responsive to our RFPs by tomorrow, July 19. While we recognize your team is still getting up to speed, for planning purposes please let us know if we should expect to receive any documents on time; we'd like to give our discovery team a heads up.

Thanks,

--

Rich Ramirez
W: 212.970.1624
rramirez@glennagre.com



1185 Avenue of the Americas
New York, NY 10036

-----Original Appointment-----

From: Jordan Reisch <jreisch@aminillc.com>
Sent: Wednesday, July 17, 2024 2:20 PM
To: Jordan Reisch; Andrew K. Glenn; Bijan Amini; Rich Ramirez
Subject: In re: Ninety-Five Madison Company
When: Friday, July 19, 2024 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: <https://us02web.zoom.us/j/83033660735?pwd=bxU1hpd9kpNw13Bgb1PSvTudDwna8n.1>

[EXTERNAL EMAIL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

jreich@aminillc.com is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83033660735?pwd=bxU1hpd9kpNw13Bgb1PSvTudDwna8n.1>

Meeting ID: 830 3366 0735

Passcode: 323679

One tap mobile

+19292056099,,83033660735#,,,,*323679# US (New York)

+16469313860,,83033660735#,,,,*323679# US

Dial by your location

- +1 929 205 6099 US (New York)
- +1 646 931 3860 US
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 301 715 8592 US (Washington DC)
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US

Meeting ID: 830 3366 0735

Passcode: 323679

Find your local number: <https://us02web.zoom.us/j/kcKY2P42IJ>

*****Important Notice*****

This email and any files transmitted with it are confidential and may be subject to the attorney-client or other privileges. Use or disclosure

of this email or any such files by anyone other than the intended recipient is prohibited. If you are not the intended recipient, please notify the sender immediately and delete this message from your system.

*****Important Notice *****

This email and any files transmitted with it are confidential and may be subject to the attorney-client or other privileges. Use or disclosure of this email or any such files by anyone other than the intended recipient is prohibited. If you are not the intended recipient, please notify the sender immediately and delete this message from your system.

*****Important Notice *****

This email and any files transmitted with it are confidential and may be subject to the attorney-client or other privileges. Use or disclosure of this email or any such files by anyone other than the intended recipient is prohibited. If you are not the intended recipient, please notify the sender immediately and delete this message from your system.

*****Important Notice *****

This email and any files transmitted with it are confidential and may be subject to the attorney-client or other privileges. Use or disclosure of this email or any such files by anyone other than the intended recipient is prohibited. If you are not the intended recipient, please notify the sender immediately and delete this message from your system.